

## **IC 8-23-18**

### **Chapter 18. Acquisition of Public Property for Highways**

#### **IC 8-23-18-1**

##### **Authority for acquisition**

Sec. 1. The authority given to the department to acquire the fee simple title to public or private real property, rights, or easements needed or reasonably necessary for a state highway includes the right to acquire real property or a right in, to, or over real property owned, held, or claimed by a city, town, township, county, school corporation or other municipal corporation, or political subdivision of the state, public corporation, instrumentality, or agency supported in whole or in part by taxation.

*As added by P.L.18-1990, SEC.227.*

#### **IC 8-23-18-2**

##### **Use of eminent domain**

Sec. 2. Whenever the department is unable to agree with an owner of real property or a right described in section 1 of this chapter upon the damages sustained by the owner or upon the purchase price of the real property in fee or the right, interest, or easement sought to be acquired, the department may proceed in the name of the state in the exercise of the right of eminent domain to condemn and acquire the real property or right.

*As added by P.L.18-1990, SEC.227.*

#### **IC 8-23-18-3**

##### **Voluntary conveyances and grants by political entities**

Sec. 3. Each city, town, township, county, school corporation and other political subdivision of the state, public corporation, instrumentality, or agency supported in whole or part by taxation may convey and grant to the state for the use and benefit of the department, by voluntary conveyance or grant, with or without consideration, any real property or rights in or to real property needed or reasonably necessary for a state highway.

*As added by P.L.18-1990, SEC.227.*

#### **IC 8-23-18-4**

##### **Tax delinquent lands; acquisition**

Sec. 4. Whenever the real property or right in real property sought to be acquired by the department is real property, or a right or interest in real property that was acquired by the county, municipality, or political subdivision after the real property or right had been unsuccessfully offered for sale for delinquent taxes, and had been acquired by or for the county for the delinquent taxes under the law the purchase price or condemnation award paid by the department to the county, municipality, or political subdivision may not exceed the amount of the delinquent and general taxes due at the time it was acquired by the county, municipality, or political subdivision, excluding penalties and not including any current taxes becoming due

and payable in the year in which acquired by the state for highway use. A county shall convey and transfer real property, a right or interest in real property to the state for the use of the department for consideration whenever requested to do so by the department. The consideration paid by the department shall be distributed among the several subdivisions of government in the manner provided by IC 6-1.1, as other collections of delinquent taxes are distributed.

*As added by P.L.18-1990, SEC.227.*

#### **IC 8-23-18-5**

##### **Tax delinquent lands; acquisition after assertion of right of redemption**

Sec. 5. If a right of redemption exists in the owner of a interest in real property described in section 4 of this chapter that is asserted in the time and manner allowed and permitted by law, it shall be treated as any other private interest in real property acquired for public use by the department. However, if the county or municipality has placed any improvements upon the real property after acquiring the real property, the department shall pay the reasonable value of the improvements. If the reasonable value of the improvements cannot be determined by agreement, the department may proceed in the name of the state in the exercise of the right of eminent domain to condemn and acquire the real property.

*As added by P.L.18-1990, SEC.227.*

#### **IC 8-23-18-6**

##### **Validation grants and conveyances by political entities**

Sec. 6. All grants and conveyances made before March 11, 1959, by a municipality or subdivision of government, public corporation, instrumentality, or agency supported in whole or in part by taxation are hereby declared to be valid and of full force and effect.

*As added by P.L.18-1990, SEC.227.*